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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,259

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Miska Hannuksela

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07/12/2010

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,259	Applicant(s) HANNUKSELA ET AL.	
	Examiner ANDY RAO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Reconsideration

1. Applicant's arguments filed with respect to claims 1-27 on 4/5/10 have been fully considered but they are not persuasive.
2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chakraborty in view of Oh et al., (hereinafter referred to as "Oh"), as was set forth in the Office Action of 1/26/10.
3. The Applicant presents three substantive arguments contending the Examiner's previously pending rejection of claims 1-27 under 35 U.S.C. 103(a) as being unpatentable over Chakraborty in view of Oh et al., (hereinafter referred to as "Oh"), as was set forth in the Office Action of 1/26/10. However, after a careful consideration of the arguments presented and further scrutiny of the applied references, the Applicant must respectfully disagree and maintain applicability of the references for the reasons that follow.

After summarizing rejection of record (Request for Reconsideration of 4/5/10: page 7, lines 12-20; page 8, lines 1-2), the Applicants argue that the primary reference fails sufficiently address the "...the information indicative of a type of scene transition is provided in an encoded video bitstream so as to allow a decoder to retrieve the information for identifying the type of scene transition..." limitation of the instant invention and buttresses this position with Applicants' interpretation of the reference (Request for Reconsideration of 4/5/10: page 8, lines 3-20; page 9, lines 15-19). The Examiner respectfully disagrees. The Examiner notes since Chakraborty discloses that the input video to the data acquisition module can be compressed data (Chakraborty: column 6, lines 42-51) for eventual video processing and display of a video

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summary (Chakraborty: column 6, lines 30-40) and for further video editing (Chakraborty: column 8, lines 5-12), that it would be obvious to associate a decoder with the data acquisition module of the primary reference, if one wasn't already self contained with the said module in order to implement the disclosed further processing (Chakraborty: column 6, lines 50-55). Accordingly, when extracting information from an already compressed video data stream (Chakraborty: column 6, lines 45-47), the further processing would make use of a decoder, in order to finally render keyframes for presentation as a part of the shot list for video editing (Chakraborty: column 8, lines 8-12). Accordingly, the Examiner maintains that the feature is met.

Additionally, the Applicants argue the secondary Oh reference fails to disclose "...applying in a decoding process an error concealment procedure to conceal an error in a frame belonging to the scene transition based on the motion characteristics of the identified type of scene transition..." as recited (Request for Reconsideration of 4/5/10: page 8, lines 20-22; page 9, lines 20-25) and further bolsters this position by providing Applicants' interpretation of the secondary reference (Request for Reconsideration of 4/5/10: page 8, lines 23-29; page 9, lines 1-8). The Examiner respectfully disagrees. Applicants' citation of the secondary reference doesn't stipulate that motion estimation happens *only* in the absence of scene changes, but rather the modality of assignment schemes when scene changes are absent. The Examiner asserts that the motion characteristics associated with a particular scene change transition type (Oh: column 11, lines 5-10: slow or fast moving scene changes) would be also used to assignment schemes when present (Oh: column 3, lines 3-12). Accordingly, the Examiner maintains that the limitation is met.

Lastly, the Examiner notes that contrary to the Applicants' assertion regarding the secondary reference (Request for Reconsideration: page 9, lines 9-14), the Examiner asserts that the disclosure is clearly shown to be implementable on a decoder. In particular, the Examiner notes that Oh discloses the use of the invention with a codec (i.e. a decoder) on an ASIC (Oh: column 11, lines 20-32). Accordingly, the Examiner notes that Oh is used with a decoder. However, even if Oh could have been shown to have nothing to do with decoders, the Examiner would further note that in response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Since the primary reference has also been shown to be used with a decoder, the Examiner would note that Oh own its own would not also have to address this feature but would address the feature by its combination with the primary reference. Additionally, the Examiner would further note that in general, the application of a technique at a decoder, is considered in the state of this art, to be obvious, if one of ordinary in the art has before him, the application of the technique at an encoder, particularly since the coding/decoding processes are considered interrelated inverse processes of each other. So, even if the applied references made no mention of decoding, the Examiner would argue that since both clearly mention encoding, the application of both teachings to companion decoders would be obvious to an ordinary practitioner of this art given the detailed explanation of the components of the encoders therein.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
/Andy S. Rao/
Primary Examiner, Art Unit 2621
July 7, 2010